ORDER SHEET
CENTRAL GOVT.INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR(MP)

CASE NO. CGIT/LC/EPFA/ 28/18

Date of order of proceeding	Order or proceeding with signature of Presiding Officer	Signature of parties or pleaders where necessary
12-10-21	Taken up.	

Parties represented through their counsel.

An application has been filed by counsel for the appellant to keep the proceedings in abeyance as proceedings under Section 33(1)(b) of the Insolvency and Bankruptcy Code 2016 are pending before the National Company Law Tribunal, Delhi Bench. Photocopy of the order dated 3/.20 and 2.8.21 has been filed.

Heard learned counsel for the parties, and perused the record.

According to Section 14(1) of Insolvency and Bankruptcy Code 2016 which is being reproduced as follows:-

"Subject to provisions of sub Section (2) and (3), on the insolvency commencement date, the Adjudicating Authority shall be order declare moratorium for prohibiting all of the following, namely:-

(a) The institution of suits, or continuation of

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pending suits or proceedings against the corporate debtor including execution of any judgment, decree or order in any count of law, tribunal, are arbitration penal or other Authority.

Section 279 of (Indian Companies Act) Stay of suits etc is being reproduced as follows:-

(1)When a winding up order has been passed or a provisional liquidator has been appointed, no suit or other legal proceedings shall be commenced, or if pending at the date of the wining up order, shall be proceeded with , by or against the company, except with the leave of the Tribunal and subject to such terms as the Tribunal may impose."

Proceedings before any Court or Tribunal , in such a situation shall be kept in abeyance till final order of National Company Law Tribunal.

Hence the proceedings of this appeal EPFANo. 28/18 be kept in abeyance till further orders.

Parties are at liberty to approach this Tribunal after termination of proceedings before NCLT/NCLAT and file an application to proceed with the appeal.

PRESIDING OFFICER